

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

**RECEIVED**

JUN 28 2016 *EW*

THOMAS G. BRUTON  
CLERK, U.S. DISTRICT COURT

\_\_\_\_\_  
Darlene Morgan )  
\_\_\_\_\_)  
\_\_\_\_\_)  
\_\_\_\_\_)  
(Name of the plaintiff or plaintiffs) )

CIVIL ACTION

v. )  
\_\_\_\_\_)  
Driftwood Hospitality Management )  
\_\_\_\_\_)  
\_\_\_\_\_)  
\_\_\_\_\_)  
(Name of the defendant or defendants) )

1:16-cv-06781  
Judge Matthew F. Kennelly  
Magistrate Judge Michael T. Mason

**COMPLAINT OF EMPLOYMENT DISCRIMINATION**

1. This is an action for employment discrimination.
2. The plaintiff is Darlene Morgan of the  
county of Cook in the state of Illinois.
3. The defendant is Driftwood Hospitality Management, whose  
street address is 160 East Huron Street,  
(city) Chicago (county) Cook (state) Illinois (ZIP) 60611  
(Defendant's telephone number) (312) - 787-2900
4. The plaintiff sought employment or was employed by the defendant at (street address)  
160 East Huron (city) Chicago  
(county) Cook (state) Illinois (ZIP code) 60611

5. The plaintiff [*check one box*]

- (a) ☐ was denied employment by the defendant.
- (b) ☐ was hired and is still employed by the defendant.
- (c) ☒ was employed but is no longer employed by the defendant.

6. The defendant discriminated against the plaintiff on or about, or beginning on or about, (month) \_\_\_\_\_, (day) \_\_\_\_\_, (year) \_\_\_\_\_.

7.1 (*Choose paragraph 7.1 or 7.2, do not complete both.*)

(a) The defendant is not a federal governmental agency, and the plaintiff [*check one box*] ☐ has ~~not~~ filed a charge or charges against the defendant asserting the acts of discrimination indicated in this complaint with any of the following government agencies:

- (i) ☒ the United States Equal Employment Opportunity Commission, on or about (month) March (day) 12 (year) 2015.
- (ii) ☐ the Illinois Department of Human Rights, on or about (month) \_\_\_\_\_ (day) \_\_\_\_\_ (year) \_\_\_\_\_.

(b) If charges *were* filed with an agency indicated above, a copy of the charge is attached. ☐ YES. ☐ NO, but plaintiff will file a copy of the charge within 14 days.

It is the policy of both the Equal Employment Opportunity Commission and the Illinois Department of Human Rights to cross-file with the other agency all charges received. The plaintiff has no reason to believe that this policy was not followed in this case.

7.2 The defendant is a federal governmental agency, and

- (a) the plaintiff previously filed a Complaint of Employment Discrimination with the defendant asserting the acts of discrimination indicated in this court complaint.

☐ Yes (month)\_\_\_\_\_ (day)\_\_\_\_\_ (year) \_\_\_\_\_

☐ No, did not file Complaint of Employment Discrimination

(b) The plaintiff received a Final Agency Decision on (month)\_\_\_\_\_  
(day)\_\_\_\_\_ (year)\_\_\_\_\_.

(c) Attached is a copy of the

(i) Complaint of Employment Discrimination,

☐ YES ☐ NO, but a copy will be filed within 14 days.

(ii) Final Agency Decision

☐ YES ☐ NO, but a copy will be filed within 14 days.

8. *(Complete paragraph 8 only if defendant is not a federal governmental agency.)*

(a) ☐ the United States Equal Employment Opportunity Commission has not issued  
a *Notice of Right to Sue*.

(b) ☒ the United States Equal Employment Opportunity Commission has issued a  
*Notice of Right to Sue*, which was received by the plaintiff on  
(month) April (day) 4 (year) 2016 a copy of which  
*Notice* is attached to this complaint.

9. The defendant discriminated against the plaintiff because of the plaintiff's [***check only those that apply***]:

(a) ☒ Age (Age Discrimination Employment Act).

(b) ☐ Color (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).

- (c) ☐ Disability (Americans with Disabilities Act or Rehabilitation Act)
- (d) ☐ National Origin (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).
- (e) ☐ Race (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).
- (f) ☐ Religion (Title VII of the Civil Rights Act of 1964)
- (g) ☐ Sex (Title VII of the Civil Rights Act of 1964)

10. If the defendant is a state, county, municipal (city, town or village) or other local governmental agency, plaintiff further alleges discrimination on the basis of race, color, or national origin (42 U.S.C. § 1983).

11. Jurisdiction over the statutory violation alleged is conferred as follows: for Title VII claims by 28 U.S.C. §1331, 28 U.S.C. §1343(a)(3), and 42 U.S.C. §2000e-5(f)(3); for 42 U.S.C. §1981 and §1983 by 42 U.S.C. §1988; for the A.D.E.A. by 42 U.S.C. §12117; for the Rehabilitation Act, 29 U.S.C. § 791.

12. The defendant [*check only those that apply*]

- (a) ☐ failed to hire the plaintiff.
  - (b) ☒ terminated the plaintiff's employment.
  - (c) ☐ failed to promote the plaintiff.
  - (d) ☐ failed to reasonably accommodate the plaintiff's religion.
  - (e) ☐ failed to reasonably accommodate the plaintiff's disabilities.
  - (f) ☐ failed to stop harassment;
  - (g) ☐ retaliated against the plaintiff because the plaintiff did something to assert rights protected by the laws identified in paragraphs 9 and 10 above;
  - (h) ☐ other (specify): \_\_\_\_\_
-

13. The facts supporting the plaintiff's claim of discrimination are as follows:

See Attachment

14. **[AGE DISCRIMINATION ONLY]** Defendant knowingly, intentionally, and willfully discriminated against the plaintiff.

15. The plaintiff demands that the case be tried by a jury. ☐ YES ☒ NO

16. THEREFORE, the plaintiff asks that the court grant the following relief to the plaintiff  
**[check only those that apply]**

- (a) ☐ Direct the defendant to hire the plaintiff.
- (b) ☒ Direct the defendant to re-employ the plaintiff.
- (c) ☐ Direct the defendant to promote the plaintiff.
- (d) ☐ Direct the defendant to reasonably accommodate the plaintiff's religion.
- (e) ☐ Direct the defendant to reasonably accommodate the plaintiff's disabilities.
- (f) ☐ Direct the defendant to (specify): \_\_\_\_\_

June 28, 2016

Darlene Morgan  
4048 South Lake Park Ave  
Apartment 2D  
Chicago, Illinois 60653

I worked as a Senior Night Manager for the Defendant for nearly fifteen years, until I was fired March 30, 2015. The Defendant told me it was because I had been rude to a customer on March 26, 2015, however, I had not been and explained to my employer that I did not make the statement they accused me of making. Since I began working for the Defendant in October 2000, I worked as a Night Auditor. The Defendant employed only two night auditors until in or around September, 2014 when they hired a third, Innocence Stephens, who was twenty-eight years old, I was forty-nine the other night auditor was approximately thirty-seven years old. I was responsible for training Innocence in November 2014. I received a poor performance review – all of my previous reviews were good. Beginning in January 2015 my manager, Deidre Graham approximately thirty-eight at the time began writing me up prior to that I had never been disciplined or written up.

A few weeks after I was terminated. The Defendant fired six other employees, all of whom were fifty years or older.

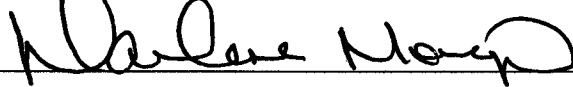
- Thain Henmz, fifty years old
- Denise Jones sixty years old
- Marjorie Taylor fifty two years old
- Felicia Thomas fifty three years old
- Diane Jones sixty years old
- Lynette green fifty two years old

Seven employees who were not terminated and were all under forty years old performed their work of their terminated co-workers (Nikita Bond twenty-eight, Nicole Orozco twenty-seven.

Darlene Morgan

- \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- (g) ☒ If available, grant the plaintiff appropriate injunctive relief, lost wages, liquidated/double damages, front pay, compensatory damages, punitive damages, prejudgment interest, post-judgment interest, and costs, including reasonable attorney fees and expert witness fees.
- (h) ☒ Grant such other relief as the Court may find appropriate.

(Plaintiff's signature)



(Plaintiff's name)

Darlene Morgan

(Plaintiff's street address)

4048 South Lake Park Ave Apt 2D

(City) Chicago (State) ILL (ZIP) 60653

(Plaintiff's telephone number) (773) - 895-5554

Date: 06/28/2016

EEOC Form 5 (11/09)

**CHARGE OF DISCRIMINATION**

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To: Agency(ies) Charge No(s):

☐ FEPA☒ EEOC**440-2015-03996****Illinois Department Of Human Rights**

and EEOC

State or local Agency, if any

Name (indicate Mr., Ms., Mrs.)

**Ms. Darlene Morgan**

Home Phone (Incl. Area Code)

**(773) 894-5554**

Date of Birth

**08-27-1965**

Street Address

City, State and ZIP Code

**4048 Lake Park Ave, Apt 2d, Chicago, IL 60653**

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)

Name

**HAMPTON INN & HOMEWOOD SUITES**

No. Employees, Members

**500 or More**

Phone No. (Include Area Code)

**(312) 787-2900**

Street Address

City, State and ZIP Code

**160 E. Huron Street, Chicago, IL 60611**

Name

No. Employees, Members

Phone No. (Include Area Code)

Street Address

City, State and ZIP Code

DISCRIMINATION BASED ON (Check appropriate box(es).)

☐ RACE    ☐ COLOR    ☐ SEX    ☐ RELIGION    ☐ NATIONAL ORIGIN  
☐ RETALIATION    ☒ AGE    ☐ DISABILITY    ☐ GENETIC INFORMATION  
☐ OTHER (Specify)

DATE(S) DISCRIMINATION TOOK PLACE  
Earliest    Latest**03-30-2015**☐ CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

**I began my employment with Respondent on or about October 4, 2000. My most recent position was Senior Night Manager. On or about March 30, 2015, I was discharged and replaced with a younger individual.**

**I believe I was discriminated against because of my age, 49 (DOB: August 27, 1965), in violation of the Age Discrimination in Employment Act of 1967, as amended.**

RECEIVED EEOC

MAY 19 2015

CHICAGO DISTRICT OFFICE

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

NOTARY - When necessary for State and Local Agency Requirements

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE  
(month, day, year)

**May 12, 2015**

Date

Charging Party Signature



## U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

## DISMISSAL AND NOTICE OF RIGHTS

To: **Darlene Morgan**  
**4048 Lake Park Ave., #Apt 2d**  
**Chicago, IL 60653**

From: **Chicago District Office**  
**500 West Madison St**  
**Suite 2000**  
**Chicago, IL 60661**



On behalf of person(s) aggrieved whose identity is  
**CONFIDENTIAL (29 CFR §1601.7(a))**

EEOC Charge No.

EEOC Representative

Telephone No.

**440-2015-03996**

**Kimberly M. Engram,**  
**Investigator**

**(312) 869-8035****THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:**

The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.



Your allegations did not involve a disability as defined by the Americans With Disabilities Act.



The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.



Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge.



The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.



The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.



Other (briefly state)

**- NOTICE OF SUIT RIGHTS -**

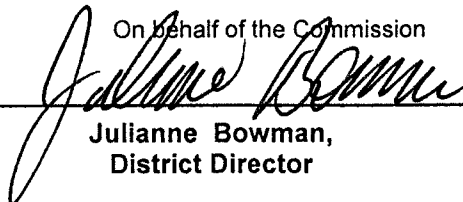
(See the additional information attached to this form.)

**Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act:** This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

**Equal Pay Act (EPA):** EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

Enclosures(s)

On behalf of the Commission

  
**Julianne Bowman,**  
**District Director**

3/31/16

(Date Mailed)

cc:

**Yelena I. Fernandez, VP of HR**  
**DRIFTWOOD HOSPITALITY MANAGEMENT**  
**11770 US Highway 1, Suite 202**  
**North Palm Beach, FL 33408**